

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRETT C. TITTLE,
Plaintiff,

v.

Case No. 06-C-0984

GLORIA PERKINS-MARIGNY,
BARRY MARIGNY, and
LEON O. SMITH,
Defendants.

DECISION AND ORDER

Plaintiff, Brett C. Tittle, filed this pro se civil rights complaint under 42 U.S.C. § 1983. By order dated April 12, 2007, I screened the complaint and found that it failed to state a claim against a state actor for deprivation of a constitutional right. Additionally, I denied plaintiff's motions to amend the complaint because he neglected to file a proposed amended complaint as required under Civil L.R. 15.1 (E.D. Wis.). Therefore, plaintiff was advised that, if he wished to pursue this action, he should file an amended complaint curing these deficiencies by May 11, 2007. Plaintiff was warned that failure to file an amended complaint within this time period could result in dismissal of this case.

To date, plaintiff has not filed an amended complaint. From his failure to file an amended complaint, I infer that plaintiff no longer wants to prosecute this action. Therefore, I will dismiss this case, without prejudice, for failure to prosecute. Plaintiff may file a motion for reinstatement of this action within 20 days, provided that he includes with such motion: (1) an amended complaint that is complete in itself without reference to the original complaint; (2) offers reasons in support of his failure to timely file an amended complaint; and (3) indicates that he wishes to pursue this case. See Civil L.R. 41.3 (E.D. Wis.).

CONCLUSION

For the foregoing reasons,

IT IS THEREFORE ORDERED that this action is **DISMISSED WITHOUT PREJUDICE.**

Dated at Milwaukee, Wisconsin this 10 day of August, 2007.

/s

LYNN ADELMAN
District Judge